

Harold Edwards #1169986  
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 Indian Springs, NV. 89070

ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
FEB 28 2022	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

Harold Edwards,  
 Plaintiff,

Case No. 2:20-cv-01634-GMN-BNW

v.  
 William Hutchings, et al.,  
 Defendants

MOTION FOR CLASS ACTION STATUS AND MOTION  
 FOR APPOINTMENT OF COUNSEL

Pursuant to Federal Rules of Civil Procedure Rule 23 plaintiff moves for an order classifying the above case number Class Action and pursuant to 28 U.S.C. § 1915 (e) (1) plaintiffs moves for an order appointing Counsel to represent him, or if this Court classifies the case Class Action, then in this case.

1. Plaintiff [s] are unable to afford Counsel. 2. Plaintiff [s] imprisonment will greatly limit their ability to litigate. The issues involved in this case are complex, and will require significant research and investigation. Plaintiff [s] have limited access to the law library and limited knowledge of the law.
3. A trial in this case will likely involve conflicting testimony and Counsel would better enable plaintiff [s] to present evidence and cross examine witnesses. Plaintiff [s] has made repeated efforts to obtain a lawyer. Wherefore plaintiffs request that the Court appoint a Bar Associated Attorney as Counsel in this

1 matter.

2  
3 February 10th 2022

4 BY Harold Edwards

5 Harold Edwards #1169986

6 SDCC P.O. BOX 208

7 Indian Springs, NV. 89070

8  
9 **ORDER**

10 IT IS ORDERED that ECF No. 27 is DENIED without prejudice.

11 *Pro se* litigants have the right to plead and conduct their own cases  
12 personally. 28 U.S.C. § 1654. But they do not have authority to represent  
13 anyone other than themselves. See *Simon v. Hartford Life, Inc.*, 546 F.3d  
14 661, 664 (9th Cir. 2008) (stating that a non-attorney plaintiff may not pursue a  
15 claim on behalf of others in a representative capacity). The rationale for this  
16 rule is that the "competence of a layman representing himself [is] clearly too  
17 limited to allow him to risk the rights of others." *Oxendine v. Williams*, 509  
18 F.2d 1405, 1407 (4th Cir. 1975) (per curiam) (holding that it was an error to  
19 permit an inmate who was unrepresented by an attorney to represent other  
20 inmates in a class action against the prison superintendent).

21 Given that Plaintiff is a *pro se* litigant and does not have the authority to  
22 represent the other Plaintiffs, this case cannot proceed as a class action.

23 IT IS SO ORDERED

24 DATED: 10:30 am, March 02, 2022

25 

26 BREND A WEKSLER  
27 UNITED STATES MAGISTRATE JUDGE  
28

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DISTRICT OF NEVADA  
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383 LAS VEGAS BLVD. 50-RM 1334  
LAS VEGAS, NV. 89101

89101-706934

